

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

cr

SPECIAL CIVIL APPLICATION No 1850 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

DECEASED CHAMPRAJWALA

JASHAWALA THROUGH HEIR

Versus

STATE OF GUJARAT

Appearance:

MR MA KHARADI for Petitioner

Mr.Mukesh Patel,learned AGP for respondents

Nos.1 to 3.

No one appears on behalf of respondent No.4

despite service of the rule.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 01/10/97

ORAL JUDGEMENT

The petitioner had purchased the land S.No.345/1 in September 1975 through a Sale Certificate issued by the Civil Court. On 25.2.86 the respondent No.3 - the Mamlatdar & A.L.T., Jetpur passed an order deciding the holdings of respondent No.4. The matter was then taken up to Gujarat Revenue Tribunal wherefrom it was remanded

and the Remand Case No.1 of 1992 was decided by the Mamlatdar & ALT, Jetpur on 29.3.93 holding that the land in question was agricultural land and the same was to be added into the holdings of respondent No.4. Against this order dated 29.3.93 Appeal No.5 of 1993 was preferred before the Deputy Collector (Land Ceiling), Gondal. He confirmed the order passed by the Mamlatdar & ALT, Jetpur. Against the said order, a Revision Application No.B.R. 34 of 1993 was preferred before the Gujarat Revenue Tribunal and the same was rejected in February 1994. Copy of this order is annexed as Annexure 'C'. Against this order dated 15.2.94 a Review Application being C.R. No. 1 of 1994 was preferred. This Review Application was rejected after following judgment and order of this Court in Special Civil Application No.11487 of 1994 dated 9.12.94. The Review Application was rejected on 21.4.95. This Special Civil Application was filed in this court on 27.2.97 and for the intervening period no plausible explanation has been given. The explanation given in para 6 of the petition hardly constitute a plausible explanation, the averments are wholly vague and uncertain. Nor are they supported by any contemporaneous documentary evidence. On the basis of such vague allegations it can not be said that the delay of nearly one year and ten months has been explained. The Gujarat Revenue Tribunal has passed the order on the basis of decision rendered by this court in Special Civil Application No.11487 of 1994 dated 9.12.94.

No case is made out for interference by this Court. This Special Civil Application is, therefore, dismissed. Rule is hereby discharged. Ex parte ad interim order dated 28.2.97 stands automatically vacated. No order as to costs.